

AO 243
REV 6/82MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE BY A PERSON IN FEDERAL CUSTODY

United States District Court	District <u>Middle, Pennsylvania</u>	
Name of Movant <u>RONNIE PEPPERS</u>	Prisoner No. <u>FX-6952</u>	Docket No. <u>1:00-CR-00105</u>
Place of Confinement <u>State Correctional Institution Greene, Waynesburg, Pa.</u>	(include name upon which convicted)	
UNITED STATES OF AMERICA	v. <u>RONNIE PEPPERS</u> (full name of movant)	

MOTION

1. Name and location of court which entered the judgment of conviction under attack U.S. District Court, Harrisburg, Pa.
2. Date of judgment of conviction _____
3. Length of sentence 15 yrs.
4. Nature of offense involved (all counts) Felon in Possession of an firearm under (ACCA)

5. What was your plea? (Check one)

(a) Not guilty

(b) Guilty

(c) Nolo contendere

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

N/A

6. Kind of trial: (Check one)

(a) Jury

(b) Judge only

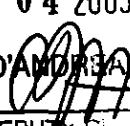
7. Did you testify at the trial?

Yes No

8. Did you appeal from the judgment of conviction?

Yes No FILED
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OCT 04 2005

MARY E. D'ANDREA CLERK
Per 
DEPUTY CLERK

9. If you did appeal, answer the following:

(a) Name of court Third Circuit Court of Appeals

(b) Result Affirmed

(c) Date of result April 21, 2004

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any federal court?

Yes No

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court Supreme Court of the United States

(2) Nature of proceeding Petition for Writ of Certiorari

(3) Grounds raised whether 3922 (b)(1) is AN UNCONSTITUTIONAL ENCROACHMENT ON THE STATES' POLICE POWERS.

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes No

(5) Result denied

(6) Date of result OCT 4, 2004

(b) As to any second petition, application or motion give the same information:

(1) Name of court N/A

(2) Nature of proceeding N/A

(3) Grounds raised N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes No

(5) Result N/A(6) Date of result N/A

(c) As to any third petition, application or motion, give the same information:

(1) Name of court N/A(2) Nature of proceeding N/A(3) Grounds raised N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes No

(5) Result N/A(6) Date of Result N/A

(d) Did you appeal, to an appellate federal court having jurisdiction, the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes No (2) Second petition, etc. Yes No (3) Third petition, etc. Yes No

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

There was no other court to appeal to?

12. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: If you fail to set forth all grounds in this motion, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in these proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you have other than those listed. However, you should raise in this motion all available grounds (relating to this conviction) on which you based your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The motion will be returned to you if you merely check (a) through (j) or any one of the grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily or with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.

- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impanelled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: Unconstitutional motive to indict

Supporting FACTS (tell your story *briefly* without citing cases or law): The U.S. Attorney Stated that at the time the U.S. Marshal's Office made the Cooperation Agreement with Petitioner they (U.S. Marshal's Office) was not aware of other alleged Criminal Activity by Petitioner, therefore electing to indict two years after date of offense

B. Ground two: Selective Prosecution

Supporting FACTS (tell your story *briefly* without citing cases or law): There are numerous similar situated defendants with firearm charges (state) in the Middle District (Todd Leiby, Joseph Aldridge, Zach Weidner, to name a few), where the federal government in the middle district never sought federal indictments against similar situated white defendants

C. Ground three: Actual Innocence

Supporting FACTS (tell your story *briefly* without citing cases or law): Absent Petitioner's guilty plea, there is nothing in the record that would satisfy the requisites of personal or actual knowledge that the Petitioner knew the firearm was in the vehicle. Further, another person confessed to crime

When the offense was committed, turned himself into Police and signed a Statement of Such.

D. Ground four: Ineffective Assistance of COUNSEL (5 cts.)

Supporting FACTS (tell your story briefly without citing cases or law): -SEE ADDITIONAL PAGE-

(1). failing to challenge the government's motive to indict.
 (2). Incorrectly informing petitioner that he apply or qualify for 18 U.S.C. § 924 (e), And conceding to such.
 (3). failing to file a motion to quash ~~the~~ the 923(g)(4) charge for actual innocence. (4). failing to investigate the government claim of stolen ("T" stickers) and provide proof

13. If any of the grounds listed in 12A, B, C, and D were not previously presented, state briefly what grounds were not so presented, and give your reasons for not presenting them: Ground(s); (A) COUNSEL CLAIMED
there was no basis to claim. (B) COUNSEL REFUSED TO PRESENT CLAIM.
(C) COUNSEL CLAIMED IT WAS A MATTER FOR A JURY NOT A MOTION.
(D) CLAIM CANNOT BE PRESENTED ON DIRECT APPEAL. (E) COUNSEL
REFUSED TO SUBMIT CLAIM. (F) COUNSEL NEGLECTED TO PRESENT IT.

14. Do you have any petition or appeal now pending in any court as to the judgment under attack?
 Yes No

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing Didn't have a Preliminary - Felony Information

(b) At arraignment and plea Daniel Seigel - Current Address UNKNOWN
Previous address was Federal Public Defenders office

(c) At trial Same - Daniel Seigel

(d) At sentencing Same - Daniel Seigel

(e) On appeal — Same — DANIEL Seigel(f) In any post-conviction proceeding N/A(g) On appeal from any adverse ruling in a post-conviction proceeding N/A

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at approximately the same time?

Yes No

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes No

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

N/A(b) Give date and length of the above sentence: N/A

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes No

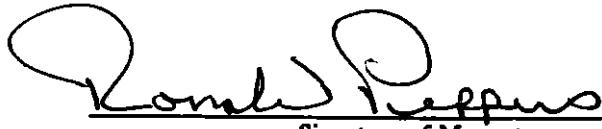
Wherefore, movant prays that the Court grant him all relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

September 29, 2005

(date)



Ronald Peppas

Signature of Movant

MOTION UNDER 28 USC 32255 TO VACATE,
SET ASIDE, OR CORRECT SENTENCE

RE: 1:00-CR-00105
ADDITIONAL GROUNDS.

(D) Otherwise to establish lack of Probable Cause to
to Stop Petitioner's Vehicle, (5) failing to seek
permission from the Court to file interlocutory Appeal
(in regards to the Court's ruling on the Cooperation Agreement)
OR AS OF Right under Rule 58 (3)(2)(A)

(E) Illegal Sentence:

Sentence was illegal because
924(e), did not apply to Petitioner and
trial judge did not use a categorical
approach before applying 924(e) as
Required.

(F) Illegal Search and Seizure:

Petitioner did not give permission to
Police to Search Vehicle, And After Search
begun Petitioner told Police to Stop
After Officer damaged Stereo in front Sent.

* Petitioner RESERVE the Right for Amended
Petition by COUNSEL.

9/29/05

Ronald Peppers
Ronald Peppers

TO: CLERK OF COURT
U.S. DISTRICT COURT, MIDDLE DISTRICT
P.O. BOX 1148
SCRANTON, Pa., 18501

FROM: RONNIE PEPPERS, FX-6952
SCI-GREENE
175 PROGRESS DRIVE
WAYNESBURG, Pa., 15370

September 30, 2005

In re: U.S. V. RONNIE PEPPERS, NO. 1:00-CR-00105

Dear Clerk:

Enclosed is petitioner's 28 USC § 2255 petition regarding the above captioned matter. The accompany APPLICATION TO PROCEED IN FORMA PAUPERIS, SUPPORTING DOCUMENTATION AND ORDER, is being mailed separately due to it being required to be signed by an AUTHORIZED OFFICER OF THE INSTITUTION, and this institution regularly is not prompt in handling inmate legal material. However the above APPLICATION was submitted to the institution on the above date (9/30/05). Therefore, I ask that you accept the herein petition as filed, pending receipt of application. I also ask that this correspondence serve as proof of service which satisfies the requirement of: HOUSTON V. LACK, 108 S.Ct. 2379.

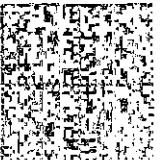
Respectfully Submitted,

Date Mailed: 9/30/05

Ronnie Peppers

Konald Weppers
FX-6952
175 Progress Drive
Waynesburg, PA, 15370

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MARY E. D'ANDREA, CLERK
Per By
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CLERK OF COURT

U.S. DISTRICT COURT, MIDDLE DISTRICT
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SCRANTON, PA, 18501-1148